

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	Case No. 4:21-cr-190 SEP
	)	
RAYMOND D. COOPER,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is Defendant Raymond Cooper’s Motion to Suppress Evidence and Statements, filed October 7, 2022. Doc. [84]. On October 14, 2022, the Government responded to the motion. Doc. [85]. On October 27, 2022, Defendant submitted a pro se filing making additional arguments. Doc. [87]. United States Magistrate Judge Stephen R. Welby<sup>1</sup> held an evidentiary hearing on November 10, 2022, at which the Government presented two witnesses and the Defendant presented argument, as well as counsel. *See* Docs. [88], [89].

Following receipt of the transcript, the parties were given the opportunity to file post-hearing briefs. Judge Welby asked the Government to address the arguments made by defense counsel at the hearing and in the motion and also suggested that it would be helpful for the Government to address “some of the points raised by Mr. Cooper” in his letter of October 27, 2022. *See* Doc. [89] at 34:5 (citing Doc. [87]). The Government filed its post-hearing brief, Doc. [95],<sup>2</sup> on December 6, 2022, and Defendant filed his post-hearing brief, Doc. [98], on December 19, 2022. On January 13, 2023, Magistrate Judge Welby issued a Report and Recommendation, Doc. [101], recommending Defendant’s Motion to Suppress Evidence and Statements, Doc. [84], be denied and also that Defendant’s pro se argument that law

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<sup>1</sup> The motion was referred to Judge Welby pursuant to 28 U.S.C. § 636(b).

<sup>2</sup> In its post-hearing brief, the Government notes that one of Defendant’s pro se filings, a “Letter to the Court” docketed April 11, 2022, has not been addressed by the Court. *See* Doc. [95] at 3-4 n.3 (discussing Doc. [61]). The undersigned notes that, on June 24, 2022, Judge Welby denied Defendant’s pending pro se motions without prejudice to refile by appointed counsel, Doc. [77] (denying Docs. [47], [60], [76]), but because the filing in question was docketed as a letter, not a motion, it did not call for disposition by the Court. Given that it does seek relief, the undersigned will order the Clerk of Court to re-docket the filing as a pro se motion and will refer that motion to Magistrate Judge Welby for disposition pursuant to 28 U.S.C. § 636(b).

enforcement's use of deception to communicate with him violated his constitutional rights, *see* Doc. [87], be rejected. Defendant does not submit any new objections to the Report and Recommendation but instead reasserts all arguments made in his motion, at the hearing, and in his post-hearing brief. *See* Doc. [104] (incorporating Docs. [84], [88], and [98]). In response, the Government refers the Court to Judge Welby's Report and Recommendation and its opposition to the motion filed below. *See* Doc. [105] (referring the Court to Docs. [95], [101]).

The Court has conducted a de novo review of all matters related to Defendant's motion, including a thorough review of the transcript of the evidentiary hearing held in front of Judge Welby, as well as the parties' briefing as outlined above, including Defendant's pro se letter of October 27, 2022, Doc. [87]. After careful consideration, the Court will adopt and sustain the findings of fact and thorough reasoning of Magistrate Judge Welby set forth in support of his recommended rulings issued on January 13, 2023. The Court agrees with Judge Welby's analysis and conclusions that Officer Orr's access of a lost flash drive for the purpose of identifying its owner did not violate Defendant's rights under the Fourth Amendment, and that an undercover agent's communication with Defendant via Facebook did not violate Defendant's constitutional rights. Accordingly,

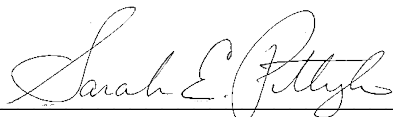
**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge, Doc. [101], is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

**IT IS FURTHER ORDERED** that Defendant's Motion to Suppress Statements and Evidence, Doc. [84], is **DENIED**.

**IT IS FURTHER ORDERED** that the Clerk of Court shall re-docket Defendant's letter of April 11, 2022, Doc. [61], as a pro se motion, and that motion is **REFERRED** to United States Magistrate Judge Stephen R. Welby for disposition pursuant to 28 U.S.C. § 636(b).

**IT IS FURTHER ORDERED** that a jury trial in this matter is set for **April 24, 2023, at 9:00 am**, with a pretrial conference on **April 19, 2023, at 1:00 pm**, in Courtroom 16N.

Dated this 29<sup>th</sup> day of March, 2023.

  
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SARAH E. PITLYK  
UNITED STATES DISTRICT JUDGE